

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, April 19, 2016 at 7:00 p.m.

MINUTES

1. OPENING

a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning, Vice Mayor Tom Goltzené and Council Members Ronald Jarriel, Ryan Liang and Todd McLendon. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr., Town Planning Consultant Jim Fleischmann and Town Clerk Virginia Walton.

b. Pledge of Allegiance & Invocation – Boy Scout Troop 122 & Invocation – Mayor Browning

c. Approval of the Agenda

Addendum #1 removed item #3h from the consent agenda and moved it to Item #6h under Resolutions.

Item #3c was removed from the consent agenda and moved to discussion directly after vote on consent items.

Addendum #2 added Item #11(a) Mayor Browning – discussion and direction on letter from County Commissioner Paulette Burdick regarding “Preserve Our Agricultural Reserve”.

Attorney Report on update for item #12(b) Shade Meeting.

There was a correction to the minutes for item #2a Minutes, Council Member Goltzené seconded the motion rather than Mayor Browning as stated.

Motion: a motion to approve the agenda, as revised, including Addendum #1 and Addendum #2, was made by Council Member Liang and seconded by Council Member McLendon. Motion passed 5 – 0.

Gina Levesque, representative for Troop 122, thanked the Council for allowing the Troop to participate. They were working on an Eagle Merit Badge, which required attendance and participation in local government.

2. PUBLIC COMMENTS

Laurel Bennett, a 17 year resident of the County, announced that she was running for the House of Representative Seat for District 86, which included Loxahatchee Groves. Her platform included education, families, healthcare, veterans and the VA. She was not for common core. She had previously worked for Palm Beach Community College and had an IT Degree.

Don Borovy, Tripp Road, was unhappy with the hole repair work done on D Road.

Tracy Rflowitz, F Road, wanted to know what could be done to allow RV campers for property owners for the equestrian season.

Marge Herzog, A Road, announced the meeting of the Landowners Association.

3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: April 5, 2016 Town Council Meeting
- b. Betty Argue, Loxahatchee Groves PTO, requesting a tax deductible monetary donation of \$500.00 from the Town, as a sponsor for the Loxahatchee Groves Elementary School's Annual Spring Carnival and Silent Auction to be held May 21, 2016.
- c. Town Council Approval of Gas Tax Maps – **this item was pulled from consent agenda**
- d. RESOLUTION NO. 2016-23 (Interposol Agreement)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR THE INFORMATION SYSTEMS SERVICES DEPARTMENT (ISS) TO PROVIDE THE TOWN'S NON-AD VALOREM ASSESSMENT ROLLS FOR THE PROPERTY APPRAISER'S NOTICE OF PROPOSED PROPERTY TAXES AND THE TAX COLLECTOR'S ACTUAL PROPERTY TAX NOTICES; AND PROVIDING AN EFFECTIVE DATE.

- e. RESOLUTION NO. 2016-11 (contract)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A CONTRACT, AWARDED THROUGH RFP NO. 2016-002, WITH WITT O'BRIEN'S LLC, TO PROVIDE DEBRIS MONITORING SERVICES FOR AN INITIAL TERM TO EXPIRE ON NOVEMBER 30, 2017, AND AUTHORIZING THE EXECUTION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

- f. RESOLUTION NO. 2016-25 (Budget Amendment)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

g. RESOLUTION NO. 2016-14 (fee schedule)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING A SCHEDULE OF RATES, FEES, AND CHARGES FOR PLANNING AND ZONING, PERMITTING AND OTHER SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

h. RESOLUTION NO. 2016-26 (Amendment to Agreement) - This item was pulled from consent agenda and moved to Item #6h.

Motion: a motion to approve the consent agenda as revised was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

This item was pulled from consent agenda:

d. Town Council Approval of Gas Tax Maps

Council Member McLendon had requested this item be removed from the consent agenda because he had to recuse himself on this item. He had already filed Form 8B with the Town Clerk. Manager Underwood advised that the only change this year to the list was the removal of one .24 mile road (Fortner Road) at the request of the property owner. Vice Mayor Goltzené wanted clarified that the roads they were claiming was the area bounded by easements, the easements on paper and the ditch width, or fence to fence. Council Member Jarriel thought this should be discussed at a later time. Council Member Liang stated it was a good point as the gas tax was based on lane miles. Mayor Browning agreed they needed to do this and be careful as one resident survey might show something different from another.

Marge Herzog commented on certain roads she had not seen listed; Ken Johnson commented on roads not being wide enough; and Dr. Omar asked again about the situation on his road with the gate blocking his access. Manager Underwood stated the road had been public for at least 10 years and they needed to speak to the resident about moving the gate and the pole.

Motion: a motion to approve the gas tax road list and maps provided, as clarified by comments from Vice Mayor Goltzené, was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 4 – 0, with Council Member McLendon recusing himself.

4. PRESENTATIONS

a. Presentation of American Flag from Connie Kilgore to Town Hall
(Sponsored by Mayor Dave Browning)

Connie Kilgore spoke about her husband being a Vietnam Veteran of the Air Force, then going on to own a refrigeration business, a motorcycle shop and spending 35 years at Pratt Whitney. While running all these careers, he built the house she still resides in and also found time to drive to Miami several days a week to earn a Mechanical Engineering Degree. He was a true cowboy and would be very happy to know that his flag, presented to her at his funeral, would hang at Town Hall. Mayor Brown accepted and thanked Mrs. Kilgore for the flag.

- b. Palm Beach County Ethics Commission
Mark E. Bannon - Executive Director
Gina A. Levesque – Intake and Compliance Manager

Mark Bannon stated he was the New Executive Director for the PBC Ethics Commission, after working for them for 5 ½ years. He retired after 25 years as a police officer. Mr. Bannon stated that the Ethics Commission was often confused with the Inspector General Offices because they were more visible to the residents of the County. He was changing this by assigning liaisons from his office to all municipalities; and introduced Gina Levesque, Intake Manager, who would be the liaison for Loxahatchee Groves. Mr. Bannon added that prevention was the key. Elected officials needed to adapt their behavior to comply with the code and suggested that asking before you act was the wisest course of action rather than waiting until afterwards. His office was paid for through ad valorem taxes, so there was no further cost to any municipality to make effective use of the services offered. He and his staff were always available.

5. COMMITTEE REPORTS – none scheduled

6. RESOLUTIONS

- a. RESOLUTION NO. 2016-19 (Appoint P&Z)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS REGULAR MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR, AND APPOINTING _____ AND _____ AS ALTERNATE MEMBERS OF THE TOWN'S PLANNING AND ZONING BOARD TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Keith Harris, Council Member Jarriel nominated Grace Joyce, Mayor Browning nominated Dennis Lipp, Council Member Liang nominated Veronica Close and Council Member McLendon nominated William Hyslop. There were no nominations for alternates. Town Attorney Cirullo suggested that the alternates could be appointed at a later date by another resolution once names were brought forward. This resolution would be amended to reflect this change.

Motion: a motion to approve the resolution, as amended, and appoint the members nominated by the Council to the Planning and Zoning Board was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

- b. RESOLUTION NO. 2016- 27 (revised duties for Committee)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RE-NAMING THE COMMITTEE TO "EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE: AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE;

PROVIDING FOR THE METHOD OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Goltzené stated the since the Town still did not have any control over the trails, this resolution and the resolution appointing members should be postponed. The State had existing best management practices, including water quality. Vice Mayor Goltzené felt an "Ag" Committee would be more beneficial.

Council Member Jarriel suggested some language changes to the resolution presented. Under Section 2(1)(f) regarding member attendance, instead of "shall" be removed, it should read "may" be removed, and also add if he/she has missed three "consecutive" meetings.

Council Member McLendon stated that the Comp Plan references this committee; however, the ordinance was conflicting as one section said "shall" have this committee and another section said "may" have this committee.

Nina Corning, E Road, stated the signed ordinance on the website was different than the one for the Comp Plan. Bill Louda, E, Road, felt roadways and water should be left in the name and the duties, since the roads and trails interact and banks stabilization was part of the roads and trails issue.

Town Attorney Cirullo suggested that the ordinances and comp plan should be reviewed prior to approving this resolution, and suggested the Council proceed with appointing the members to the committee as it now stands and bring this resolution back at a later date.

Motion: a motion to table this resolution until a future date was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 5 – 0.

c. RESOLUTION NO. 2016-24 (revised duties for Committee)

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE FINANCE ADVISORY AND AUDIT COMMITTEE CONSISTENT WITH SECTION 218.319, FLORIDA STATUTES; PROVIDING FOR THE METHOD OF APPOINTMENT OF THE FINANCE ADVISORY AND AUDIT COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Jarriel suggested some language changes to the resolution presented. Under Section 2(1)(b)(1) the previous resolution setting the committee's duties had five duties and the new resolution had only two. All duties should be put back in. Also, under Section 2(1)(f) regarding member attendance, instead of "shall" be removed, it should read "may" be removed, and also add if he/she has missed three "consecutive" meetings.

Council consensus was in favor of language change for attendance section. Council discussed the merits of the five original duties versus the two indicated in the new resolution. The duty referencing the committee meeting with the independent auditor was not considered a good idea based on issues that had arisen in the past from such meetings.

John Ryan, A Road, felt the committee should meet monthly, and Ken Johnson, Collecting Canal Road, stated he had been on the committee, and they had problems with a quorum at most meetings. The Council needed to appoint people that would show up on a regular basis.

Motion: a motion to adopt the resolution as presented was made by Vice Mayor Goltzené. Motion failed for lack of a second.

Motion: a motion to adopt the resolution, removing the duty of meeting with the independent auditor, but adding back in the other two duties from the original resolution, was made by Council Member Liang and seconded by Council Member McLendon.

Mayor Browning called for a short break at 8:34 PM. Council reconvened at 8:42 PM.

d. RESOLUTION NO. 2016-20 (Appoint ETRAG)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS VOTING MEMBERS OF THE EQUESTRIAN TRAILS AND GREENWAY ADVISORY COMMITTEE (ETGAC), TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Jo Siciliano, Council Member Jarriel nominated Nina Corning, Mayor Browning nominated Bill Louda, Council Member Liang nominated Katie Davis and Council Member McLendon nominated Thais Gonzalez. Also, the third “whereas” in the resolution referencing the previous resolution that was tabled would be removed, and the name would remain as the Roadways, Equestrian Trails and Greenway Advisory Committee (RETRAG).

Motion: a motion to approve the resolution as amended, and appoint the members nominated, was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

e. RESOLUTION NO. 2016-22 (Appoint FAAC)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING _____, _____, _____, AND _____, AS VOTING MEMBERS OF THE FINANCE ADVISORY AND AUDIT COMMITTEE, TO SERVE TERMS OF ONE (1) YEAR; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené nominated Anita Kane, Council Member Jarriel nominated Bruce Cunningham, Mayor Browning nominated Ken Johnson, Council McLendon nominated Connie Bell and Council Member Liang did not have a nomination at this time.

Motion: a motion to approve the resolution and appoint the member nominated was made by Vice Mayor Goltzené and seconded by Council Member Liang. Motion passed 5 – 0.

f. RESOLUTION NO. 2016-28 (creation and duties of Committee)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE CREATION OF THE “UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE”; PROVIDING FOR AMENDING THE DUTIES, TERM OF MEMBERS, MEETINGS AND TOWN STAFF SUPPORT FOR THE UNIFIED LAND DEVELOPMENT CODE COMMITTEE; PROVIDING FOR COMPLIANCE WITH FLORIDA’S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR SUNSETTING OF THE COMMITTEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

There was Council discussion of adding review of the Comp Plan to this committee, but was felt they should be separate issues. Town Attorney Cirullo stated that the recommendations of the ULDC Committee would be reviewed by Staff for comp plan consistency and then prepared for review by P&Z Board acting as the LPA, and the for Town Council approval. Also, Council felt the meeting schedule should read at least “quarterly, or as needed” under Section 2(III)(b). This would allow for quarterly as a minimum, but the committee would probably meet more often when scheduled by Staff.

Motion: a motion to approve the resolution, as amended, was made by Council Member Liang and seconded by Council Member Jarriel. Motion passed 5 – 0.

QUASI-JUDICIAL HEARING

g. RESOLUTION NO. 2016-21 (Site Plan)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Jim Fleischmann, Julie Campbell and Ryan Johnston were sworn in to give testimony. Presentation was made by Jr. Johnston explaining the need for the amendment allowing the uses to include professional offices in addition to medical and dental. Based on comments from the P&Z Board, Mr. Johnston and Mr. Fleischmann had created a definition of “professional offices”, which had not been included in the ULDC. Mr. Fleischmann added that the Applicant

would also be coming back to Council with a re-zoning request to “Commercial Low”. Discussion between Mr. Johnston, Mr. Fleischmann and the Council took place.

Julie Campbell, owner of the property adjacent to this site, testified that when this site was developed the existing access road by prescription was taken away, which had cut into her business by about 40%. Ms. Campbell submitted an aerial map showing the access road, the guard rail installed by the Applicant, and where the applicant wanted to now extend another cross flow road across her property to the hospital. She felt this was unfair to her.

Motion: a motion to received and file the aerial map was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 5 – 0.

Mr. Fleischmann stated the Applicant was willing to work with her but the solutions were not part of his property. The guard rail was not on their property and was installed by DOT. Council felt this was a matter that should be worked out between the two property owners prior to Council approving anything.

Motion: after further Council discussion, a motion to continue this item until the May 3, 2016 agenda, for the purpose of additional information only, was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 5 – 0.

h. RESOLUTION NO. 2016-26 (Amendment to Agreement)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE SECOND AMENDMENT TO B ROAD IMPROVEMENT AGREEMENT BETWEEN THE TOWN OF LOXAHATCHEE GROVES, LOXAHATCHEE EQUESTRIAN PARTNERS AND SOLAR SPORTSYSTEMS, INC., ATLANTIC LAND INVESTMENTS, LLC, AND PALM BEACH STATE COLLEGE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

Vice Mayor Goltzené recused himself from discussion and vote on this item, and would file Form 8B with the Town Clerk. Manager Underwood advised the Council that the Town Attorney had coordinated this minor change to the agreement with all parties. This amendment only changed the term “OGEM” in the agreement to now be interpreted as meaning “asphalt”.

Motion: a motion to approve the resolution and amendment to the agreement was made by Council Member McLendon and seconded by Council Member Jarriel. Motion passed 4 – 0, with Vice Mayor Goltzené recused.

7. ORDINANCES – none scheduled

Motion: a motion to extend the meeting for the Manager’s Report, the Town Attorney item and Mayor Browning’s item #11a, was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

8. MANAGER'S REPORT – Town Manager Underwood

a. Agenda Item Report – Updates on various activities and issues concerning the Town

1. Temporary pot hole repairs have been done
2. Tree trimming has been started and a product will be put on the trimmed stumps to kill the pepper trees. There will be an additional cost for this treatment. Manager should be able to have the authority to make these changes within the procurement process and allow the hiring of an herbicide subcontractor with a license and correct equipment.

Lawrence Corning stated Brazilian pepper trees were good for bees and their pollen. Ken Johnson, Collecting Canal Road, stated he agreed with the herbicide but the Town needed to stop the speeding and improve the condition of the roads so that all the dust coming from the cars would stop coming into the homes.

Motion: a motion to approve giving the Manager authority referenced above was made by Council Member Jarriel and seconded by Council Member Liang. Motion passed 5 – 0.

3. The Attorney and Manager were still trying to set up a meeting between the College and the District.
4. Town Manager had ridden around looking at culverts. On C Road, it appeared the District had added rock and material.
5. Town Manager had heard from residents on Timberland and also Scott Place asking for assistance with culverts going under roads.
6. Regarding roads permits, the District did not want to have to comply with pre-engineering. Town Manager had responded with asking that both parties receive the same treatment and this would also be for berms for the trails. The District stated that would require a modification of the ILA.

b. Charter Amendments Ballot Question Deadlines

Town Clerk had obtained ballot language deadline dates from the SOE, who's preference was the August 30th ballot rather than the November elections. Council discussed areas of the charter that needed to be addressed, such as canvassing board, manager's duties, revenue bonds and term limits. Due to the limited timeframe for completion of the requirements for getting referendum questions on the ballot, Council consensus was to set three top priorities for Staff to proceed with: 1) Canvassing Board changes; 2) Manger's Duties and 3) revenue bonds.

Motion: a motion to approve the three priorities set by Council was made by Council Member Jarriel and seconded by Vice Mayor Goltzené. Motion passed 4 – 1, with Council Member McLendon dissenting.

9. OLD BUSINESS

- a. Okeechobee Corridor Master Plan – Work Authorization Okeechobee Boulevard Planning & Zoning

Council Member McLendon stated he didn't know where the Council sits on commercial. Outdoor sales should be allowed with a low FAR. The Council needs to define what low impact non-residential means.

Council Member Jarriel stated they needed commercial low, like Mom & Pop businesses. Regarding churches, a decision needed to be made. How much of this work authorization had already been expended? Manager Underwood responded approximately \$4 – 5,000 for the Town Planning Consultant.

Council Member Liang stated he didn't really see a big demand for commercial right now on Okeechobee and the Town should focus on Southern.

Mayor Browning stated low impact non-residential could have a FAR of .05. The Town needed to look at the next seven years, not just the present.

Planning Consultant Fleischmann stated that the P&Z Board had about fifteen meetings on this item, and he felt that there had not been a fair opportunity to present a good proposal. He would be happy to meet one on one with each Council Member and explain the good points of the proposal.

Lawrence Corning suggested less control and site by site decisions. Dennis Lipp suggested added a .05 FAR to the comp plan.

Motion: a motion to approve the work authorization presented was made by Council Member McLendon and seconded by Council Member Liang. Motion passed 3 -2, with Vice Mayor Goltzené and Council Member Jarriel dissenting.

10. NEW BUSINESS

a. IGC Meeting Schedule

After discussion, the new IGC Meeting Schedule was revised as follows:

- February to May 2016 – Ron Jarriel
- May to September 2016 – Todd McLendon
- October to January 2017 – Ryan Liang
- February to May 2017 – Dave Browning

Motion: a motion to approve the new IGC was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 5 – 0.

b. Council Appointment to the Western Communities Council

Motion: a motion to appoint Vice Mayor Goltzené as the Town's Representative for the Western Communities Council was made by Council Member Jarriel and seconded by Council Member McLendon. Motion passed 5 – 0.

11. COUNCIL REPORTS

a. Mayor Browning

1. Letter from County Commissioner Paulette Burdick regarding “Preserve Our Agricultural Reserve”

Mayor Browning discussed the letter added to the agenda in Addendum #2 and requested that the Council consider sending the requested support for Preserving Agricultural Reserve space in Palm Beach County.

Motion: a motion to authorize the Mayor to sign and send a letter in support of Preserving Our Agricultural Reserve space in Palm Beach County was made by Vice Mayor Goltzené and seconded by Council Member Jarriel. Motion passed 5 – 0.

12. CLOSING COMMENTS

a. Public

Betty Argue thanked the Council for the donation to the Annual Loxahatchee Groves Elementary School Carnival. Ms. Agrue also commented on the on-going lawsuit regarding Minto Builders and the need to protect Okeechobee Boulevard.

b. Town Attorney

1. Request pursuant to Section 286.011(8), Florida Statutes, to schedule a closed door attorney-client meeting to discuss pending litigation in the case of Professional Services Group, Inc. v. Town of Loxahatchee Groves, Palm Beach County Circuit Court Case No. 502016CA003979XXXXMB, Division AG.

Town Attorney Cirullo stated the requested closed door shade meeting would be limited to discussion on litigation and settlement issues. As an added comment, he had received an email today in response to Council’s motion from the previous meeting to offer a settlement to PSG. Their Attorney had responded with a counter settlement proposal of the full amount of invoices of \$52,948.15, which would only be good until this Friday. Town Attorney Cirullo commented that this was the second time PSG and their attorney had presented a settlement with minimal or no time for proper response.

Motion: a motion to schedule the requested shade meeting was made by Vice Mayor Goltzené and seconded by Council Member McLendon. Motion passed 5 – 0.

c. Town Council Members

Council Member McLendon asked for the status of the change orders for B Road, including the pricing for striping. Vice Mayor Goltzené stated he would need to recuse himself from this. Council Member McLendon also asked what the status of the ordinance for adopting for the remaining roads in Town, and he would also like to request a change of the name for the Okeechobee Boulevard section within town borders to “Middle Road”. Manager Underwood responded that they were waiting for the engineers for information on the first two items.

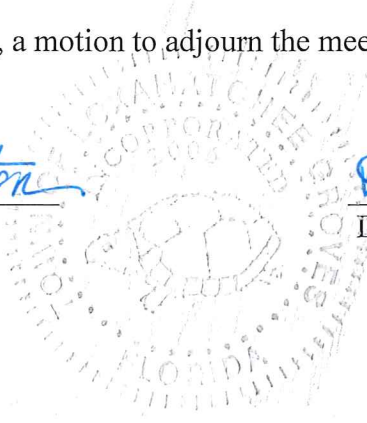
Council Member Jarriel felt that changing the name of a portion of the road would be confusing for services such as police and fire.

Council Member Liang, Council Member Jarriel and Vice Mayor Goltzené all thanked everyone for coming.

Mayor Browning mentioned that the papers were saying the Minto/Westlake now wanted to incorporate. If this was approved, it would dilute the gas tax and franchise revenues for all the towns.

14. ADJOURNMENT

Hearing no further business, a motion to adjourn the meeting was made at 10:05 PM.


Virginia M Walton
Virginia Walton, Town Clerk

David Browning
David Browning, Mayor

These minutes were approved by the Town Council on Tuesday, May 3 2016.